

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION  
(PCT Article 36 and Rule 70)

REC'D 26 JUL 2005  
REPORT  
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Applicant's or agent's file reference 98 810 a/se	FOR FURTHER ACTION <span style="float: right;">See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)</span>	
International application No. PCT/EP 03/07008	International filing date (day/month/year) 01.07.2003	Priority date (day/month/year) 01.07.2003
International Patent Classification (IPC) or both national classification and IPC H04L12/56		
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL) et al		

<p>1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the opinion</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>

Date of submission of the demand 13.01.2005	Date of completion of this report 25.07.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 eprmu d Fax: +49 89 2399 - 4465	Authorized Officer Forster, G Telephone No. +49 89 2399-8986 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP 03/07008

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-20 as originally filed

**Claims, Numbers**

1-45 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).  
*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-45
	No: Claims	
Inventive step (IS)	Yes: Claims	1-45
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-45
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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EXAMINATION REPORT - SEPARATE SHEET**

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to section V.

1. The present invention relates to a method for updating the value of a time-out period in a data unit sender, to a computer program product for performing this method in a data unit sender and to the corresponding data unit sender, according to the features of the independent claims 1, 23 and 24 respectively.
2. The cited documents in the international search report do not get closer to the subject-matter of the independent claims than the documents already acknowledged by the applicant.
3. According to the features of the independent claims the inventive step consists in the special design of the updating of the value of the time-out period in the data unit sender. The updating comprises deriving an intermediate value from the n most recently measured values of a response time, augmenting the intermediate value, reducing the current value of the time-out period, determining the maximum from among at least the augmented intermediate value and the reduced current value of the time-out period, and setting a new value of the time-out period to said maximum value.

The underlying concept is not disclosed in or rendered obvious by the cited prior art documents. The subject-matter of the independent claims thus fulfils the requirements of Article 33 PCT.

4. The dependent claims contain further details on the subject-matter of the respective independent claims. These dependent claims merely limit the scope of protection sought by the independent claims and are therefore also considered to fulfil the requirements of Article 33 PCT.

**Remarks concerning clarity deficiencies**

1. Claim 23 can not depend on itself. The correct formulation should have been '... claims 1 to 22 ...'.

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2. Claim 23 is unclear because the formulation '... of performing the method of one of claims 1 to 22' is too vague. Instead a formulation should have been chosen leaving no doubt that the computer program is capable of performing each of the method steps of one of the claims 1 to 22.